

## Village of Cold Spring

### Board of Trustees Workshop

July 25, 2013

The Board of Trustees for the Village of Cold Spring held a workshop on Thursday, July 25, 2013 beginning at 7:30 pm at the Village Hall, 85 Main Street, Cold Spring, NY.

Attending were Mayor J. Ralph Falloon, Trustees Bruce Campbell, Matthew Francisco and Stephanie Hawkins. Trustee Charles Hustis, III was absent.

Representatives of Rhinebeck Bank, Michael McDermott, Chief Financial Officer, and Steven Tinkelman, Architect, presented their plans to refurbish the Powers and Haar building at 159 Main Street and establish a branch office. Powers and Haar Insurance will remain in the building with upgrading to the apartments on the third floor and the addition of handicap accessibility to the entrance, bringing the building up to the standards of the Village Code.

Also in attendance were Paul Guillaro and Steven Barshov, Mr. Guillaro's attorney, regarding progress on the B-4 zoning change for the Butterfield project. Mr. Guillaro stated that there was a time line set and agreed upon by the Village attorney and the Board but that has not been the case. The Board has not approved the hiring of a law firm nor a planning and engineering firm which is causing him further delay in getting this project started.

Mayor Falloon stated that the firm they had in mind was charging \$240 per hour and because that was beyond the means of the Village budget, he did not feel it fair to pass this cost on to Mr. Guillaro as in the end, it is Mr. Guillaro's project and therefore, he would be responsible for the incurred costs. Mr. Guillaro's attorney, Steven Barshov, said that the price was not unreasonable and therefore, Mr. Guillaro agreed to pay the fees incurred.

To that end, the Mayor and Board agreed to hire the firm of Wormser, Kiely, Galef & Jacobs LLC with the attorney Anna Georgiou representing the Board for special projects starting with the Butterfield plan. Trustee Hawkins made a motion to hire Wormser, Kiely, Galef & Jacobs LLC at a cost of \$240 per hour, being paid for by **Paul Guillaro** from the escrow account. Trustee Francisco seconded the motion and the motion was carried with a unanimous vote of the Board members present.

As discussed at a monthly meeting, as part of a long term goal to connect Beacon to Cold Spring via the Hudson Fjord Hike/Bike Trail, the Town of Philipstown is applying for NYS funding for an initial phase of improvements to traffic & pedestrian safety from the Cold Spring train station out to Little Stony Point and to points along Route 9D. These include parking improvements at Breakneck Ridge and Little Stony Point, crosswalks on Route 9D and signage and sidewalks through the Village.

#### **Resolution 32-2013 In-kind Services for Hudson Fjord Hike/Bike Trail**

WHEREAS, the Village of Cold Spring supports efforts to improve the safety of pedestrians who walk north along River Road/Fair Street to Route 9D, and from there to trailheads at Little Stony Point and Breakneck; and

WHEREAS, the Village Board is in favor of a preliminary plan to add signage along the newly designated Hudson Fjord Trail as it passes through Cold Spring, as well as adding a walking path along Mayors' Park that would give pedestrians a route separated from the car traffic along Fair Street/River Road; and

THEREFORE BE IT RESOLVED THAT

The Village Board of Trustees hereby supports the application by the Town of Philipstown for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 in the amount not to exceed \$14,080 (Village of Cold Spring force account match), and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Cold Spring for the Hudson Fjord Hike/Bike Trail and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Trustee Campbell moved to accept the foregoing resolution, which was seconded by Trustee Hawkins.

On Roll call vote:

Trustee Bruce Campbell voting YES

Trustee Mat Francisco voting YES

Trustee Stephanie Hawkins voting YES

Trustee Charles Hustis, III, voting ABSENT

Mayor J. Ralph Falloon voting YES

**RESOLUTION 32-2013** is officially adopted this day, Thursday, 25<sup>th</sup> of July 2013 by an affirmative vote of 4 with one absent.

There was a Resolution vote regarding the Hudson Fjord/Bike Trail that was passed in the amount of \$20,000 sometime last year. This Resolution will be rescinded at a later Board meeting.

Trustee Hawkins made a motion to add **Trustee Hustis as a signer** on the Village checking account with Manufactures and Traders Trust Company (M & T Bank). Trustee Francisco seconded the motion which was unanimously approved.

A meeting regarding the contamination of the grounds under the Boat Club will be scheduled for August 20, 2013. **DEC**, Boat Club Members and residents of the affected area will be invited to attend with the location of the meeting to be determined.

The **Zoning Board of Appeals (ZBA)** respectfully requests that the Village Board of the Village of Cold Spring modify local law 134-25 D amending the law from the current period of ten (10) days to a period of five (5) days for notification of public hearings. The current ten day period for publication of public notice along with the publication schedule of the newspaper of record causes significant delays in scheduling a public hearing. This has been identified by applicants as an unnecessary hardship to them.

Trustee Hawkins made a motion in support of changing the local law from a ten (10) day period to a period of five (5) days for notification of public hearings. The motion was seconded by Trustee Campbell and carried with a unanimous vote.

**Trinity Cruise Company, LLC** requests docking privileges from the Village for Monday, August 5, 2013. The "Evening Star" will be docked for a period of 30 minutes for the purpose of picking up Elders of the Native American Onondoga Nation to view paddlers in the Two Row Wampum Renewal Campaign and the press at 10:30 am to carry them to Peekskill for lunch. There will be no return trip to Cold Spring.

Trustee Campbell made a motion to accept the docking request of the Trinity Cruise Company for Monday, August 5, 2013 at 10:30 am and waive the fee. Trustee Hawkins seconded the motion. The motion was carried with a unanimous vote.

CORRESPONDENCE:

A letter was received from Chairman of the Planning Board, Jimmy Zuehl resigning his position on the Board due to a new job opportunity.

The Public Service Commission notified the village of an application of West Point Partners LLC for a Certificate of Environmental Compatibility and Public Need pursuant to Article VII for authority to construct and operate a 345 kv transmission line known as the West Point Project.

Youth Bureau – This letter informed the village of changes to the statutes and regulations governing the Youth Bureau which impacts the funding that historically has been awarded in the form of State Aid to localities. The adopted 2013-2014 State Budget makes amendments to Section 420 and repeals Section 412 of the state law for Youth Development Delinquency Prevention (Recreation and Service Programs) which will take effect January 1, 2014.

Citizens Campaign for the Environment (CCE) was founded in 1985 as a not-for-profit organization by private citizens concerned with the protection of our land and water resources. As part of their public education campaign, CCE conducts a full time canvass throughout the state. They are planning to canvass the residents of Cold Spring between the hours of 4 – 9 pm from July 24<sup>th</sup> through November 25<sup>th</sup>, 2013. An acknowledgement form has been received by the Village Office for confirmation of their request.

Trustee Hawkins made a motion to have the Acknowledgement Form from the **Citizens Campaign** for the Environment to conduct a home-to-home public educating campaign between 4-9 pm, Monday through Friday, signed and returned, seconded by Trustee Francisco. The motion was carried with a unanimous vote.

Trustee Hawkins made a motion to add **GreenPlan** applying for CFA funding for the completion of the LWRP and Zoning Amendments to tonight's agenda. The motion was seconded by Trustee Francisco and was unanimously carried.

The following proposal was written and presented to the Board by Trustee Hawkins.

In light of the importance of funding for the rezoning necessary to complete the LWRP, I propose the following:

- 1 The Village Board direct Ted Fink to prepare the CFA under our existing services agreement, asking him to include in the application monies for the Historic District Code rewrite, and standards revision (this is referred to in the LWRS rezoning recommendations), including monies for legal services associated with the project (as by Wormser);
- 2 The Village Board carefully review the current draft of the LWRS/LWRP, its recommended zoning changes;
- 3 When the money is awarded, the Village Board designate a committee to undertake Zoning & Historic District revisions; and
- 4 When the money is awarded, the Village Board amend its existing service agreement with GreenPlan to add the necessary dollar amount and update the scope of services for completion of rezoning.

This was agreed to by the Board "at no cost to the Village".

A motion was made by Trustee Hawkins to accept the above request and was seconded by Trustee Francisco. The vote was carried unanimously.

The Recreation Department received a request for “Moms Demand Action” for the use of the pavilion at **Mayors Park** for July 30, 2013 from 3 – 9 pm for a barbeque. This is a rain date from a prior approval.

Trustee Hawkins made a motion to approve the request for the use of Mayors Park for “Moms Demand Action” with a second from Trustee Campbell. The motion was carried unanimously.

A letter was received from the Planning Board Chair, Barney Molloy, stating their intent to be Lead Agency for the SEQRA Review of the Butterfield Redevelopment Project, including zoning changes, site plan approval and related development approvals for the proposed construction of new buildings on the site.

A motion was made by Trustee Hawkins to have Mayor Falloon sign a “No Contest” for the Planning Board to take over Lead Agency. The motion was seconded by Trustee Campbell and was carried with a unanimous vote.

**Resolution No 33-2013 License agreement between the Village of Cold Spring, MTA and Metro-North authorizing the Village access to improve and replace outdated sewer pump station facilities as well as maintaining new facilities.**

WHEREAS, the Village of Cold Spring (the “Village”) is currently operating water and sewer facilities including, without limitation, sewer pipes, vent pipes, a sewer lift pump, a dry well for the pump and a power supply and control equipment for the sewer lift pump (“Sewer Pump Station Facilities”), located in the parking facility at the Metropolitan Transportation Authority’s (the “MTA”) Cold Spring Metro-North Commuter Railroad Station, identified on the tax map as Section 48.12, Block 1, Lot 38, Village of Cold Spring, New York (the Licensed Area”); and

WHEREAS, the MTA is lessee of certain real property and trackage owned by Midtown Trackage Ventures, LLC, which includes the Licensed Area; and

WHEREAS, the Village is seeking to enter into a License Agreement between the MTA, and Metro-North Commuter Railroad Company (“Metro North”) to allow access to improve and replace outdated Sewer Pump Station Facilities, as well as maintain new facilities and not to forfeit any rights it may have due to the long history and presence of its facilities; and

WHEREAS, it is appropriate for the Village to enter into a License Agreement with the MTA and Metro North outlining the rights and responsibilities of each party, and

WHEREAS, the Village Board has before it a proposed final License Agreement, a copy of which is **annexed** hereto;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby approve the proposed final License Agreement between the Village and the MTA and Metro-North, authorizing the Village access to improve and replace outdated Sewer Pump Station Facilities, as well as maintain new facilities, and
2. That the Mayor is authorized to execute the proposed final License Agreement with the MTA and Metro-North.

Trustee Hawkins presented the foregoing resolution which was seconded by Trustee Campbell.

The vote on the foregoing resolution was as follows:

Charles E. Hustis, III, Trustee, voting ABSENT

Bruce D Campbell, Trustee, voting YES

Matt Francisco, Trustee, voting YES  
Stephanie Hawkins, Trustee, voting YES  
J. Ralph Falloon, Mayor, voting YES.

**RESOLUTION 33-2013** is officially adopted this day, Thursday, 25<sup>th</sup> of July 2013 by an affirmative vote of 4 with one absent.

Meeting was adjourned.

Respectfully submitted

Sandra L. Falloon